

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,
Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

Re: ECF Nos. 20670, 20671

(Jointly Administered)

URGENT CONSENSUAL MOTION FOR EXTENSION OF DEADLINES

To the Honorable United States District Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”), pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, respectfully submits this urgent consensual motion (the “Urgent Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order Scheduling Briefing of Urgent Motion Requesting an Order for Approval of Modification of the Automatic Stay or in the Alternative, Requesting a Ruling or*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Entry of Comfort Order as to a Limited Controversy Regarding the Applicability to Movant's Claims of an Order for Mandatory Mediation [ECF No. 20671] (the "Scheduling Order").²

Request for Relief

1. On May 3, 2022, a group of wage claimants ("Movants")³ filed the *Urgent Joint Motion Requesting an Order for Approval of Modification of the Automatic Stay or in the Alternative, Requesting a Ruling or Entry of Comfort Order as to a Limited Controversy Regarding the Applicability to Movant's Claims of an Order for Mandatory Mediation* [ECF No. 20670] (the "Motion") requesting that the Court enter an order to, among other things, modify the automatic stay to allow certain litigations currently pending in the Public Service Appeals Commission of Puerto Rico ("CASP") and the Puerto Rico Court of First Instance. See Motion at 11-12.

2. On May 4, 2022, the Court entered the Scheduling Order, which provides that responses to the Motion must be filed by May 17, 2022, and the Movants' reply by May 24, 2022.

3. The Commonwealth is still in the process of gathering the relevant information to properly assess the allegations contained therein and to explore the possibility of a consensual resolution of the Motion. Accordingly, with the Movants' consent, the Commonwealth proposes the following extensions of the deadlines set forth in the Scheduling Order:

- The deadline to respond to the Motion shall be extended to **June 3, 2022**.

² The Financial Oversight and Management Board for Puerto Rico, as the Commonwealth's representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* ("PROMESA"), has authorized the Department of Justice to file this Urgent Motion on behalf of the Commonwealth.

³ The term "wage claimants" refers to the following group of plaintiffs identified in the Motion: Francisco Beltran-Cintron et al (CASP case no. 2021-05-0345), Abraham-Giménez et al (CASP case No. 2021-05-0346), Prudencio Acevedo-Arocho et al (CFI Case No. 2005-5022), Alejo Cruz-Santos et al (CASP case No. 2002-06-1493), Delfina López-Rosario (CASP case No. 01-10-372), and Madeline Acevedo-Camacho et al (CASP case No. 2016-05-1340).

- The deadline for the Movants to file a reply to a response, if any, shall be extended to **June 15, 2022.**
- The Court will thereafter take the Motion on submission, unless the Court determines that a hearing is necessary.

4. Pursuant to Paragraph I.H of the *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1] (the “Case Management Procedures”), the Commonwealth hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and Movants consent to the request in this urgent motion.

Notice

5. The Commonwealth has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors’ bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) all parties filing a notice of appearance in these Title III cases; and (i) Movants. A copy of the motion is also available on the Commonwealth’s case website at <https://cases.primeclerk.com/puertorico/>.

6. The Commonwealth submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE the Commonwealth requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: May 17, 2022
San Juan, Puerto Rico

Respectfully submitted,

DOMINGO EMANUELLI-HERNÁNDEZ
Secretary of Justice

s/Susana I. Peñagarícano Brown
SUSANA I. PENAGARÍCANO-BROWN
USDC-PR No. 219907
Deputy Secretary in Litigation
Department of Justice of Puerto Rico
P.O. Box 9020192
San Juan, Puerto Rico 00902-0192
Email: spenagaricano@justicia.pr.gov
Phone: Phone: (787)721-2900, ext. 1411

Attorneys for the Commonwealth of Puerto Rico

Exhibit A
Proposed Order